

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICHOLAS A. LUCE, JOSEPH R. STACHO, III, )  
DAVID M. RICE, JERRY J. ROBINSON, )  
ILLINOIS STATE RIFLE ASSOCIATION, and )  
SECOND AMENDMENT FOUNDATION, INC. )

Plaintiffs, )

v. )

BRENDAN F. KELLY, in his official capacity as )  
Director of the Illinois State Police; and )  
GREGORY HACKER, in his official capacity as )  
Bureau Chief of the Illinois State Police )  
Firearms Services Bureau, )

Defendants. )

No. 1:21 CV 1250

**JOINT STATUS REPORT**

The Plaintiffs, Nicholas A. Luce, Joseph R. Stacho, III, David M. Rice, Jerry J. Robinson, Illinois State Rifle Association, and Second Amendment Foundation, Inc., and the Defendants, Illinois State Police, Brendan F. Kelly, in his official capacity as Director of the Illinois State Police, and Gregory Hacker, in his official capacity as Bureau Chief of the Illinois State Police Firearms Services Bureau<sup>1</sup>, by and through their respective undersigned counsel, and pursuant to the Court's Order of May 7, 2021 (Dkt. #10), submit this Joint Status Report:

**I. Nature of the Case**

A. The Plaintiffs are represented by David G. Sigale (lead) and Gregory A.

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<sup>1</sup> ISP Firearms Services Bureau (FSB) Chief Gregory Hacker is automatically substituted for former ISP FSB Chief Jarod Ingebrigtsen pursuant to F.R. Civ. P. 25(d).

Bedell. The Defendants are represented by Amanda L. Kozar and Mary A. Johnston.

B. The basis for federal jurisdiction is 28 U.S.C. §§ 1331, 1343, 2201 and 2202, and 42 U.S.C. §1983, in that this action seeks to redress the deprivation, under color of the laws, statutes, ordinances, regulations, customs, and usages of the Defendants as they execute, administer and enforce the complained-of laws, of the rights, privileges or immunities secured by the United States Constitution and by Acts of Congress.

C. Plaintiff allege violations of their Second Amendment and Fourteenth Amendment procedural due process rights due to the Defendants' administration of the application process for the Firearm Concealed Carry Act ("FCCA") (430 ILCS 66/10(e), 30(b)(8)). Plaintiffs filed their Complaint on March 5, 2021. Defendants have filed a pending Motion to Dismiss, for which a Response is due June 22, 2021, and a Reply is due July 13, 2021 (Dkt. #13).

D. Plaintiffs seek declaratory, injunctive, and compensatory relief. Plaintiffs also are making a 42 U.S.C. § 1988 claim.

E. The major legal and factual issues anticipated in the case are the administration of the CCL application process by the Defendants and their employees/subordinates, and whether the CCL application process, and the administration thereof, violate the Plaintiffs' Second and Fourteenth Amendment rights.

F. All Defendants have been served.

## **II. Discovery and Case Plan**

A. The parties anticipate F.R. Civ. P. 33 Interrogatories, F.R. Civ. P. 34 Document Requests, and depositions.

B. The parties anticipate: (1) initial Rule 26 disclosures to be issued thirty days after the parties are at issue; (2) the first set of written discovery requests to be issued 30 days after the Rule 26 disclosures are issued; (3) fact discovery completion on February 28, 2022.

C. If there will be expert discovery, an expert discovery completion date, including dates for the delivery of expert reports (or summaries for non-retained expert testimony), will be March 31, 2022 for disclosure of Plaintiffs' expert report, April 30, 2022 for the deposing of Plaintiff's expert, May 31, 2022 for disclosure of Defendants' expert report, June 30, 2022 for the deposing of Defendants' expert.

D. Defendants filed the aforementioned currently-pending Motion to Dismiss. Plaintiffs anticipate motions for summary judgment, and to resolve discovery disputes, if any.

E. The parties agree to service of pleadings and other papers by electronic means under F.R. Civ. P. 5(b)(2)(E).

## **III. Trial**

A. Plaintiffs do not demand a jury. Should the case progress to trial, defendants do demand a jury.

B. The parties anticipate being ready for trial by July 31, 2021.

C. The estimated length of trial is 7 days.

#### IV. Consent and Settlement Discussions

A. The parties do not unanimously consent to proceed before the Magistrate Judge.

B. No settlement discussions have occurred.

C. The parties do not request a settlement conference at this time.

Dated: June 14, 2021

Respectfully submitted,

Attorneys for Plaintiffs  
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Second Amendment Foundation, Inc.

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Gregory Hacker

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